

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**JAQUAY HILER,**

**Plaintiff,**

**v.**

**Case No. 08-C-103**

**CAPTAIN LAURENT, SGT. RETZLAFF,  
RN JEAN LUTSEY, and SGT SCHUH,**

**Defendants,**

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**ORDER**

A review of this file discloses that defendants filed a motion for summary judgment on March 11, 2009. Court records indicate that copies of the motion and supporting brief were mailed to plaintiff on March 11, 2009. Under the applicable procedural rules, plaintiff's response to that motion should have been filed on or before April 10, 2009. Briefing schedules are set forth in Civil L.R. 7.1 (E.D. Wis.). Parties are expected to comply with the procedures and dates specified in the rule without involvement of the court.

Court records show that plaintiff did not file any response to defendants' motion. Consequently, this action may be dismissed with prejudice for lack of prosecution, pursuant to Civil Local Rule 41.3 (E.D. Wis.) (copy enclosed) and Federal Rule of Civil Procedure 41(b), unless plaintiff responds to defendants' motion and/or establishes just cause for his failure to respond to said motion as required.

**NOW, THEREFORE, IT IS ORDERED** that this case is dismissed with prejudice, effective **June 4, 2009**, unless prior to said date plaintiff responds to defendants' motion for summary judgment.

Dated at Milwaukee, Wisconsin, this 7 day of May, 2009.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge

### Civil L.R. 41.3

#### Dismissal for Lack of Diligence

Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action, the Court may enter an order of dismissal with or without prejudice. Any affected party can petition for reinstatement of the action within 20 days.